

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Derrick Jones, Jerome Jones, and  
Darnell Rusan,

PLAINTIFFS,

v.

City of St. Louis, et al.,

DEFENDANTS.

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Cause No. 4:21-cv-600-NCC

**DEFENDANTS' MOTION TO COMPEL ANSWERS TO DEFENDANTS'  
INTERROGATORIES PROPOUNDED TO PLAINTIFF DARNELL RUSAN  
OR IN THE ALTERNATIVE TO DISMISS PLAINTIFFS' COMPLAINT**

COME NOW Defendants, by and through undersigned counsel, and for their  
Defendants' Motion to Compel Answers to Defendants' Interrogatories  
Propounded to Darnell Rusan Or In The Alternative To Dismiss Plaintiffs'  
Complaint state as follows:

1. On March 18, 2022, Defendants served their First Set of Interrogatories  
Directed to Plaintiff Darnell Rusan. See attached Exh. A.
2. On April 18, 2022, Plaintiffs served their Responses to Defendants' First  
Interrogatories asserting objections to Interrogatories 1, 2, 11, 12, 13, and 14 based  
on, among other things, relevance. See attached Exh. A.

3. On June 24, 2022, at approximately 2:00 p.m. Shubra Ohne and Maureen Hanlon, attorneys for Plaintiffs and Lawrence Pratt and Adriano Martinez, attorneys for Defendants met, by telephone, in a good faith attempt to resolve the above-referenced discovery dispute. After reasonable efforts the parties were unable to resolve the outstanding discovery disputes.

4. Plaintiff waived his objections to Defendants' Interrogatories as he violated Rule 33 Fed. R. Civ. Pro. for failing to object with requisite specificity. *Jones v. Am. River Transp. Co.*, 2020 U.S. Dist. LEXIS 246007 (W.D. TN 2020).

5. Plaintiff waived his objections to Defendants' Interrogatories as he served answers subject to objections. *Michael Fergin v. Westrock Co.* 2017 U.S. Dist. LEXIS 197617 (D. Neb. Dec. 1, 2017).

6. Defendants' Interrogatory No. 1 requesting addresses where Plaintiff lived for the last five years is relevant as Plaintiff refused to provide information as to his criminal history. Plaintiff's places of residence may provide Defendants venues and jurisdictions within which to look for Plaintiff's criminal history; thus said information is relevant and discoverable under Rule 26 Fed. R. Civ. Pro.

7. Defendants' Interrogatory No. 2. requesting Plaintiff's criminal record are relevant as Plaintiff pled "pain, suffering, emotional distress, and injury" as the result of his conditions of confinement at the City Justice Center for the City of St.

Louis. Doc. #131, para. 118. Information regarding any prior contacts Plaintiff has with the criminal justice system had as well as previous incarcerations are relevant to the issues of Plaintiff's alleged damages. *Webb v. Jessamine County Fiscal Court*, 2011 U.S. Dist. Lexis 93136, 2011 WL 3652751.

8. Further, Plaintiff's criminal history is relevant as Plaintiff's allegations are based on his testimony as to events that transpired between himself and Defendants, thereby putting his own credibility at issue. *Domino Two, LLC v. Auto-Owners Ins. Co.*, 2022 U.S. Dist. LEXIS 107358 (W.D. Mo June 16, 2022).

9. Regarding Interrogatory Nos. 11, 12, and 13, Plaintiff's complaint should be dismissed as he made allegations in his complaint regarding his conduct then invoked his Fifth Amendment privilege against self-incrimination when asked under oath about the very same conduct. *Serafino v. Hasbro, Inc.*, 82 F.3d 515, 518-19 (1<sup>st</sup> Cir. 1996); *Brown v. Ames*, 346 F. Supp 1176 (Dist. Ct. Minn. April 18, 1972); and *Fletcher v. City of Marshall*, 2019 U.S. Dist. LEXIS 12210. (D.C. W.D. Mo. January 25, 2019).

10. Interrogatory No. 14 requests information as to whether Plaintiff used any other detainee's PIN number. This information is relevant as Plaintiff made allegations regarding events transpiring during a certain telephone call. Further,

Information communicated regarding Plaintiff's allegations in this case during telephone calls are likewise relevant and discoverable.

WHEREFORE, for the foregoing reasons Defendants pray this court grant Defendants' Motion to Compel Answers to Defendants' Interrogatories Propounded to Plaintiff Darnell Rusan or in the alternative dismiss Plaintiff's complaint.

Respectfully submitted,

SHEENA HAMILTON,  
CITY COUNSELOR

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**CERTIFICATE OF SERVICE**

I hereby certify that on **July 11, 2022** the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Lawrence Pratt

